



Rec'd POF/PTO 23 SEP 2002

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	El-Sherbeini et al.
Serial No.:	10/070,778 - Case No.: 20194P
Filed:	March 7, 2002
For:	MURF GENE AND ENZYME OF PSEUDOMONAS AEURGINOSA

Art Unit:

Examiner:

Assistant Commissioner for Patents  
Washington, D.C. 20231

RESPONSE TO COMPLY WITH SEQUENCE REQUIREMENT

Sir:

The following statements are made as required by 37 C.F.R. §1.821(f).

I hereby state that the contents of the paper and computer readable copies of the Sequence Listing, submitted in accordance with 37 C.F.R. §1.821(c) and (e), respectively, are the same and contain no new matter.

Respectfully submitted,

By Yang Xu  
Yang Xu  
Reg. No. 45,243  
Attorney for Applicant

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on the date appearing below.

**MERCK & CO., INC.**  
By Linda A. Hudak 9/19/02

MERCK & CO., INC.  
P.O. Box 2000  
Rahway, New Jersey 07065-0907  
(732) 594-1307

Date: September 19, 2002



UNITED STATES PATENT AND TRADEMARK OFFICE

 Commissioner for Patents, Box PCT  
 United States Patent and Trademark Office  
 Washington, D.C. 20231  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/070,778	Mohamed El-Sherbeini	20194P

INTERNATIONAL APPLICATION NO.
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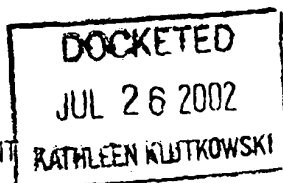
PCT/US00/24437

I.A. FILING DATE	PRIORITY DATE
09/06/2000	09/10/1999

 Merck & CO INC  
 Patent Department RY60-30  
 P O Box 2000  
 Rahway, NJ 07065-0970

PATENT DEPARTMENT

JUL 29 2002

 Date Mailed: 07/19/2002  
 M.D. YABLONSKY


CONFIRMATION NO. 9665

371 FORMALITIES LETTER



\*OC00000008381701\*

*Sequence Requirement  
 & Additional  
 Claims Fee Due By  
 9-19-02*

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Priority Document
- Biochemical Sequence Listing
- Copy of the International Application
- Copy of the International Search Report
- Oath or Declaration
- Preliminary Amendments

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Additionally the following defects have been observed:

The following items **MUST** be furnished within the period set forth below:

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):

- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).
  - A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
  - APPLICANT MUST PROVIDE:
    - An initial or substitute computer readable form (CRF) of the "Sequence Listing."
    - An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
    - For Rules Interpretation, call (703) 308-4216
    - To Purchase PatentIn Software, call (703) 306-2600
    - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)
  - Additional claim fees of \$84 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

## SUMMARY OF FEES DUE:

Total additional fees required for this application is \$84 for a Large Entity:

- Total additional claim fee(s) for this application is \$84
  - \$84 for 2 independent claims over 3.
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).
- A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

09/26/2002 SHAJARRO 00000067 132755 10070778

FRANCINE YOUNG

01 FC:964 84.00 CH

Telephone: (703) 305-3662

## PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/070,778	PCT/US00/24437	20194P

**FEE TRANSMITTAL**

SEP 23 2002  
 PATENT & TRADEMARK OFFICE

Patent fees are subject to annual revision.

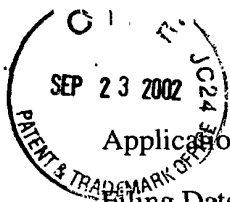
TOTAL AMOUNT OF PAYMENT \$84

Complete if Known

Application Number	10/070,778
Filing Date	March 7, 2002
First Named Inventor	M. El-Sherbeini et al.
Examiner Name	TO BE ASSIGNED
Group Art Unit	TO BE ASSIGNED
Attorney Docket Number	20194P

METHOD OF PAYMENT (Check one)				FEE CALCULATION (continued)																																																																																																							
<input checked="" type="checkbox"/> Deposit Account Deposit Account Number <u>13-2755</u> Deposit Account Name <u>Merck &amp; Co., Inc.</u> The Commissioner is authorized to: <input checked="" type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments <input checked="" type="checkbox"/> Charge any additional fee(s) during the pendency of this application				<b>3. ADDITIONAL FEES</b> <table border="1"> <thead> <tr> <th>Fee Code</th> <th>Large Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>147</td><td>2,520</td><td>For filing a request for <i>ex parte</i> reexamination</td><td></td></tr> <tr><td>115</td><td>110</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>116</td><td>400</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>117</td><td>920</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>118</td><td>1,440</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>128</td><td>1,960</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>119</td><td>320</td><td>Notice of Appeal</td><td></td></tr> <tr><td>120</td><td>320</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>121</td><td>280</td><td>Request for oral hearing</td><td></td></tr> <tr><td>140</td><td>110</td><td>Petition to revive - unavoidable</td><td></td></tr> <tr><td>141</td><td>1,280</td><td>Petition to revive - unintentional</td><td></td></tr> <tr><td>142</td><td>1,280</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>143</td><td>460</td><td>Design issue fee</td><td></td></tr> <tr><td>122</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>123</td><td>50</td><td>Processing fee under 37 CFR 1.17(q)</td><td></td></tr> <tr><td>126</td><td>180</td><td>Submission of Information Disclosure Statement</td><td></td></tr> <tr><td>581</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>146</td><td>740</td><td>Filing a submission after final rejection (37 CFR 1.129(a))</td><td></td></tr> <tr><td>149</td><td>740</td><td>For each additional invention to be examined (37 CFR 1.129(b))</td><td></td></tr> <tr><td>179</td><td>740</td><td>Request for Continued Examination (RCE)</td><td></td></tr> <tr><td colspan="3">Other fee (specify) _____</td><td></td></tr> <tr><td colspan="3">Other fee (specify) _____</td><td></td></tr> <tr> <td colspan="3">SUBTOTAL(3)</td> <td>\$0</td> </tr> </tbody> </table>				Fee Code	Large Entity Fee (\$)	Fee Description	Fee Paid	105	130	Surcharge - late filing fee or oath		147	2,520	For filing a request for <i>ex parte</i> reexamination		115	110	Extension for reply within first month		116	400	Extension for reply within second month		117	920	Extension for reply within third month		118	1,440	Extension for reply within fourth month		128	1,960	Extension for reply within fifth month		119	320	Notice of Appeal		120	320	Filing a brief in support of an appeal		121	280	Request for oral hearing		140	110	Petition to revive - unavoidable		141	1,280	Petition to revive - unintentional		142	1,280	Utility issue fee (or reissue)		143	460	Design issue fee		122	130	Petitions to the Commissioner		123	50	Processing fee under 37 CFR 1.17(q)		126	180	Submission of Information Disclosure Statement		581	40	Recording each patent assignment per property (times number of properties)		146	740	Filing a submission after final rejection (37 CFR 1.129(a))		149	740	For each additional invention to be examined (37 CFR 1.129(b))		179	740	Request for Continued Examination (RCE)		Other fee (specify) _____				Other fee (specify) _____				SUBTOTAL(3)			\$0
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SUBMITTED BY				Complete (if applicable)	
Typed or Printed Name	YANG XU			Reg. Number	45,243
Signature				Deposit Account User ID	
	Date	09/19/2002			



Rec'd PTO 23 SEP 2002

Application Number: 10/070,778  
Filing Date: 03/07/2002  
First Named Inventor: M. El-Sherbeini et al.  
Group Art Unit: TO BE ASSIGNED  
Examiner Name: TO BE ASSIGNED  
Attorney Docket Number: 20194P

**FIRST CLASS MAIL CERTIFICATE**

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231, ON THE DATE APPEARING BELOW.

**MERCK & CO., INC.**

MAILED BY Linda A Hudak DATE Sept 19, 2002